

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

TELFORD BOROUGH AUTHORITY,  
*Plaintiff,*

v.

UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY, *et al.*,  
*Defendants.*

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CIVIL ACTION  
NO. 12-6548

**ORDER**

AND NOW, this 27<sup>th</sup> day of April, 2023, upon consideration of Defendants' Partial Motion to Dismiss (ECF No. 216), and Plaintiff's response in opposition (ECF No. 217), it is hereby **ORDERED** that Defendants' Motion to Dismiss is **GRANTED in part and DENIED in part** as follows:

1. Defendants' Motion is **DENIED** as to Count Five;
2. Defendants' Motion is **GRANTED** as to Counts Six, Seven, Eight and Nine and those claims are **DISMISSED with prejudice**;
3. Defendants' Motion is **GRANTED** as to Count Thirteen and that claim is **DISMISSED without prejudice**. Within thirty (30) days of the date this Order, Plaintiff may file a Second Amended Complaint to cure, if it can do so in good faith, the deficiencies outlined in the accompanying Memorandum Opinion as to Count Thirteen.

**BY THE COURT:**

/s/ Mitchell S. Goldberg  
MITCHELL S. GOLDBERG, J.